

BellSouth Telecommunications, Inc.
Legal Department
1600 Williams Street
Suite 5200
Columbia, SC 29201

patrick.turner@bellsouth.com

March 31, 2004

Patrick W. Turner
General Counsel-South Carolina

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Fax 803 254 1731

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COMM-SC

The Honorable Bruce Duke
Executive Director
Public Service Commission of South Carolina
Post Office Drawer 11649
Columbia, South Carolina 29211

Re: Complaint of US LEC of South Carolina, Inc., Against BellSouth Telecommunications, Inc. for Failure to Comply with 47 U.S.C. §252(i) and Petition for Approval of §252(i) Adoption of Existing Interconnection Agreement

Docket No: 2004-50-C

Dear Mr. Duke:

Under normal circumstances, BellSouth's response to US LEC's Complaint in this matter would be due today. On March 25, 2004, however, US LEC filed a Motion to voluntarily dismiss its Complaint without prejudice so that BellSouth can raise the issues addressed in the Complaint in its response to US LEC's Petition for Arbitration that is the subject of Docket No. 2004-078-C. BellSouth has consented to US LEC's Motion, *see* Attachment A, and US LEC has granted BellSouth an extension of time to respond to its Complaint in the unlikely event that this Motion is denied. *See* Attachments.

Accordingly, BellSouth will not be filing a response to US LEC's Complaint in this docket today. In the unlikely event that the Commission denies US LEC's unopposed Motion to dismiss this complaint without prejudice, BellSouth will file its response to the Complaint within 15 days of that denial.

Sincerely,



Patrick W. Turner

PWT/nml

Attachments

cc: F. David Butler, Esquire
Florence Belser, Esquire
Faye A. Flowers, Esquire
Terry J. Romine, Esquire
Edwin E. Edenfield, Jr. Esquire

Attachment A



BellSouth Telecommunications, Inc.
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Patrick W. Turner
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March 26, 2004

Faye A. Flowers, Esquire
Parker Poe Adams & Bernstein LLP
Post Office Box 1509
Columbia, SC 29202-1509

Re: Complaint and Arbitration Proceedings

Dear Faye:

This will confirm that US LEC and BellSouth have agreed that each of their interests would be best served by the consolidation of the issue raised in the Complaint that US LEC has filed with the Public Service Commission of South Carolina ("Commission") with the issues raised in the Arbitration Proceeding that US LEC has filed with the Commission. BellSouth also agrees that the resolution of the issue of whether US LEC can adopt the selected interconnection agreement under Section 252(i) of the Federal Telecommunications Act of 1996 can and should be resolved as part of the Arbitration Proceeding.

Accordingly, BellSouth will not oppose a motion by US LEC to dismiss its Complaint without prejudice, and if such a motion were granted, BellSouth agrees that BellSouth will place the issue contained in the Complaint in its response to the Arbitration Petition so that the issue raised in the Complaint will be considered and resolved along with the other issues raised in the Arbitration Proceeding.

Additionally, US LEC and BellSouth agree that US LEC may continue to operate under the terms and conditions of the interconnection agreement that was effective as of September 18, 2000, approved by the Commission by Order dated February 21, 2001 in Docket 96-365-C, until such time as a subsequent agreement is approved by the Commission.

Faye A. Flowers, Esquire
Page Two
March 26, 2004

I appreciate your cooperation in reaching this agreement. If you need anything else from me, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick W. Turner", with a long horizontal flourish extending to the right.

Patrick W. Turner

PWT/jm

cc: Kip Edenfield, Esquire

Attachment B

Faye A. Flowers
Special Counsel
Telephone: 803.253.8912
Direct Fax: 803.255.8017
fayeflowers@parkerpoe.com

March 31, 2004

Via Hand Delivery

Mr. Bruce F. Duke
Deputy Executive Commissioner
South Carolina Public Service Commission
101 Executive Drive
Columbia, SC 29211

***Re: Complaint of US LEC of South Carolina, Inc. .
Against BellSouth Telecommunications, Inc. for Failure to Comply with
47 U.S.C. ' 252(i) and Petition for Approval of ' 252(i) Adoption of Existing
Interconnection Agreement
South Carolina PSC Docket No: 2004-50-C***

Dear Mr. Duke:

On March 26, 2004, US LEC of South Carolina, Inc. filed its Motion to Dismiss, without prejudice, the complaint in the above matter. It is US LEC's position that, because BellSouth Telecommunications, Inc. joined in the motion, no response to the Complaint is due from BellSouth at this time.

In an abundance of caution, however, US LEC advises the Commission that, in the unlikely event that the Commission denies the Motion to Dismiss, US LEC believes that BellSouth should be entitled to fifteen days from the Commission's denial of the motion to file its response.

With best regards, I am

Sincerely,

Faye A. Flowers

FAF:cs

cc: Terry Romine, Esquire – Via Email to tromine@uslec.com
Florence P. Belser, Esquire – Via Email to florence.belser@psc.state.sc.us
Patrick W. Turner, Esquire – Via Email to patrick.turner@bellsouth.com

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